

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHNNY P. SMITH,

Plaintiff,

NEXT LEVEL ADMINISTRATORS, LLC,

Involuntary Plaintiff,

Case No. 22-546

v.

LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.,
ABC INSURANCE COMPANY,
DEF COMPANY,
GHI INSURANCE COMPANY,
JKL COMPANY,
MNO INSURANCE COMPANY,

Defendants.

NOTICE OF REMOVAL

TO: Johnny P. Smith, Plaintiff
c/o Attorney William J. Waltenberger
100 E. Wisconsin Ave, Suite 2800
Milwaukee, WI 53202

PLEASE NOTICE the Defendant Love's Travel Stops & Country Stores, Inc., by its undersigned attorneys, petitions for removal of the above-entitled action and states as follows:

1. A civil action designated Case No. 2022CV2077 has been commenced and is now pending before the Circuit Court, Milwaukee County, State of Wisconsin, with Johnny P. Smith as Plaintiff, Next Level Administrators, LLC as Involuntary Plaintiff, and Love's Travel Stops & Country Stores, Inc. as Defendant. Attached as Exhibit A is a true and correct copy of the Summons and Complaint filed in Milwaukee County Case No. 2022CV2077.

2. The law firm of Axley Brynson, LLP, by Attorney Lori M. Lubinsky, has been retained to represent the Defendant Love's Travel Stops & Country Stores, Inc. in all proceedings relating to Milwaukee County Case No. 2022CV2077.

3. The Defendant was served with a copy of the Summons and Complaint in Milwaukee County Case No. 2022CV2077 on April 26, 2022.

4. Removal of this action is timely in that less than thirty (30) days have passed since Defendant received a copy of the initial pleading. See 28 U.S.C. § 1446(b).

5. Milwaukee County Case No. 2022CV2077 is a civil action in which the United States District Court for the Eastern District of Wisconsin has original subject matter jurisdiction in that complete diversity of the parties exist pursuant to 28 U.S.C. § 1332; the Plaintiff is a resident of the state of New York; according to Plaintiff's Complaint, Involuntary Plaintiff is incorporated in the state of Florida and its principal place of business is in the state of Florida; Defendant Love's Travel Stops & Country Stores, Inc. is incorporated in the state of Oklahoma and its principal place of business is in the state of Oklahoma; and, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

6. By copy of this Notice, Defendant has given notice to Plaintiff and will promptly file a copy of the Notice with the Clerk of Circuit Court for Milwaukee County as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Love's Travel Stops & Country Stores, Inc. requests that Milwaukee County Case No. 2022CV2077 be removed from the Circuit Court, Milwaukee County, State of Wisconsin to the United States District Court for the Eastern District of Wisconsin, for trial and determination.

Dated this 5th day of May, 2022.

s/ Lori M. Lubinsky

Lori M. Lubinsky, SBN: 1027575

Attorneys for Defendant

Love's Travel Stops & Country Stores, Inc.

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